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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,258	06/04/1999	Damion L. Hankejh	SESSIO.P01	3976

7590

08/11/2004

Patrick M Dwyer PC
1818 Westlake Avenue N
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Seattle, WA 98109

EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/326,258	HANKEJH ET AL.	
	Examiner	Art Unit	
	Viet Vu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office responds to applicant's amendment, which was filed 5/3/04 before the previous final office mailed 5/18/04. Accordingly, the final office action mail 5/18/04 is hereby withdrawn and replaced by this office action.

Non-Art Rejections:

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-12, 14-15, 17 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following language lacks proper antecedent basis:

In claim 8, line 5, "the first user browser", it is not clear whether it is the same as "the browser".

Applicant is suggested to change "a browser", associated with a user, to "first user browser" throughout the claims to improve the scope and clarity of the claims.

Art Rejections:

4. The texts of 35 U.S.C. § 103(a) cited in the previous office action are hereby incorporated by reference.

5. Claims 8-19 are rejected under 35 U.S.C. § 103(a) as being clearly unpatentable over Dekelbaum et al, U.S. pat. No. 5,838,682, in view of Needham, U.S. pat. No. 5,784,568.

Per claims 8-10, Dekelbaum discloses an Internet communication environment for providing collaborative web browsing and chat functions comprising:

a) one or more first user chat modules and first user browsers for enabling one or more users to simultaneously chat and browse the Internet over voice and/or data networks (see col 9, lines 10-50 and col 12, lines 1-21),

b) a second agent chat module comprising a browser driving module for enabling sale agent person to drive the first user browser to a location on the web selectable by the agent without operational intervention by the first user, i.e., by pushing web/home pages to the first user browser (see col 15, lines 18-25).

Dekelbaum also states that the collaborative web browsing is not limited to the exemplified telephone ordering system. Rather it can also be applied to other known types of online

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communications including web-based communications (see col 16, lines 16-22). Dekelbaum does not disclose using an Internet-based chat module. The use of Internet-based chat module is well known in the art as disclosed by Needham (see Needham's col 1, lines 28-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a known web-based chat module in Dekelbaum for providing real-time communications between user and agent over a packet-switched network because it would have enabled users to avoid higher cost of communications over circuit-switched networks, i.e., especially over long distances between users and/or agents.

Per claims 12-13, Dekelbaum teaches providing a special hyperlink button that user can click on to start an interactive chat session with a sale agent (see Dekelbaum's col 14, lines 49-67).

Per claims 14-18, Dekelbaum also teaches providing one or more Internet servers for enabling the user and agent to join in a chat channel or chat session and for recording and maintaining the chat session (see Dekelbaum's col 14, lines 19-48 and col 16, lines 1-10).

Per claim 19, it is noted that in Dekelbaum, the secure server (104, fig. 1B) and/or ACD (106, fig. 1B) comprises means

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for notifying and/or locating an agent for chatting with the user (see Dekelbaum's col 14, lines 43-48).

It would have been further obvious to one skilled in the art that to recognize that Dekelbaum would have included means for queuing user's requests because it would have enabled the system to serve user's requests in order.

6. Claims 20-22 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Dekelbaum and Needham and further in view of Anupam et al, U.S. pat. No. 5,862,330.

Dekelbaum's teachings are still applied as discussed above. Neither Dekelbaum nor Needham discloses downloading on-demand Java applets to the users. Such use of on-demand Java applets is disclosed by Anupam (see Anupam's col 2, line 39 - col 3, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Anupam's on demand applets in Dekelbaum because it would have enabled practicing Dekelbaum's invention with any conventional browser (see Anupam's col 3, lines 25-34).

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Response to Amendment:

5. Applicant's arguments filed on 5/3/04 with respect to claims 8-22 are moot in view of new grounds of rejections set forth above.

It is noted that the Declaration filed 12/3/03 fails to establish the conception date for claimed subject matter in claims 20-22 prior to July of 1996, including downloadable Java applets. Therefore, the rejection of claims 20-22 based upon Anupam is deemed proper.

Applicant also alleges that Dekelbaum does not teach the claimed browse driving module for driving user's browser without user's intervention.

Given the scope of the claimed invention, it is submitted that Dekelbaum's teachings still meet the present claim limitations. Particularly, Dekelbaum's web page "pushing" function enables a service agent to drive or push web pages to the user's browser via an Internet server without any user's intervention. It also allows the service agent and user to view the same web pages at the same time.

Conclusion:

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P.

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

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8/5/04